



INTERCOUNTRY ADOPTION

FAQs – Transition Cases and the Hague Adoption Convention

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Office of Children's Issues





1. What is a Convention country?

A Convention country is a nation, who has signed, and Entered into Force, the Hague Adoption Convention. The Convention governs adoptions between the United States and these nearly [75 other nations](#).

2. What happens to a case that was in process when the Hague Adoption Convention entered into force with respect to the United States?

An adoption case involving a Convention country already in process when the Convention entered into force for the U.S. did not change into a Hague case at that time. These **transition** cases will continue to be processed in accordance with the immigration regulations for orphan adoptions which were in effect at the time the case was filed (before the Convention entered into force).

There are two types of transition cases: **incoming cases** (where children are immigrating from another Convention country to the United States) and **outgoing cases** (where children are emigrating from the United States to another Convention country). The U.S legislation for the Hague Adoption Convention—the Intercountry Adoption Act of 2000 (the IAA)—sets out rules for both types of transition cases.

3. What happens to an incoming case that was in process before the Hague Adoption Convention entered into force with respect to the United States?

For incoming cases, if the Application for Advance Processing of an Orphan Petition (I-600A) or Petition to Classify an Orphan as an Immediate Relative (I-600) was **filed** before the date the Hague Adoption Convention entered into force with respect to the United States (April 1, 2008), then the Convention and the IAA do **not apply** to that case.



4. What does “filed” mean in an incoming case?

The Department of Homeland Security’s U.S. Citizenship and Immigration Service (USCIS) considers a case properly filed when it receives an application or petition along with any required filing fee. The filing date is stamped on the application or petition to show the time and date of actual receipt.

5. What happens to an outgoing case involving a U.S. born child that was in process before the entry into force date for the Hague Adoption Convention?

For outgoing cases, if the prospective adoptive parent(s) of the child initiated the adoption process in their country of residence by filing an appropriate application before April 1, 2008, then the Convention and the IAA do **not apply** to that case.

6. What does “file an appropriate application” mean in an outgoing (emigrating) case?

In general, the Department of State (DOS) will treat an application that prospective adoptive parent(s) have submitted to the receiving country’s Central Authority, or any accredited body, as an appropriate application that initiated an outgoing case. DOS plans to work with the most common receiving countries, namely, Canada and Mexico, to determine what constitutes an application to adopt in the receiving country.

7. What happens if an I-600A was filed before the date the Hague Adoption Convention entered into force, but the child was not adopted before the Convention entered into force with respect to the United States?

As noted above, if the prospective adoptive parent(s) filed the I-600A (Application for Advance Processing of an Orphan Petition) before the date the Hague Adoption Convention entered into force on April 1, 2008, then the Convention and the IAA do **not apply** to that case, provided that the relevant I-600A remains valid (see question 16). For example, if the prospective adoptive parent filed an I-600A on March 1, 2008, the case is not a Convention case. If the I-600A expires after April 1, 2008, but before



the parent files the I-600 petition, the case becomes a Convention case and the prospective adoptive parent must begin the process over again using the appropriate Convention case forms.

8. May a prospective adoptive parent change a transition case to a Convention case?

In order for a prospective adoptive parent to change a transition case to a Convention case, the application and petition process must be started anew. Convention cases have different processing requirements, and an I-600A or I-600 cannot be converted into the form(s) that are for a Convention case, the I-800A and I-800.

9. I already submitted a form I-600A, Application for Advance Processing of an Orphan Petition. Does the Hague Adoption Convention apply to my case? If so, what does that mean?

If you filed the I-600A before April 1, 2008, then the Convention and the IAA **do not apply** to your case, provided that the I-600A has not expired (see question number 16).

If you filed the I-600 after April 1, 2008, the Hague Adoption Convention **does apply** to your case.

If the Convention applies to your incoming case, then your case must be processed in accordance with the IAA, and applicable regulations, including 22 CFR 96 and 22 CFR 42. DHS has issued a separate rule to cover Convention cases.

In general, this means that you need to use an accredited adoption service provider for services in connection with your case. You and all accredited/approved adoption service providers must also follow new processing procedures established for Convention cases.



10. What happens if the case involves a country that is not a Convention country?

If the child being adopted is from a non-Convention country, then the Convention does not apply to the case and the adoption will be processed under existing U.S. immigration regulations for orphan adoptions.

11. What if my fingerprint check approval or I-600A approval expires after the Hague Adoption Convention entered into force with respect to the United States?

The Hague status of a case is not affected if an I-600A expired after April 1, 2008, provided that USCIS extends the approval of the I-600A before the I-600A expires. If USCIS extends the approval of an I-600A that was filed before the Convention entered into force with respect to the United States, the prospective adoptive parent(s) will also be able to file an I-600, after the Convention entered into force, without changing the Hague status of the case.

Prospective adoptive parent(s) may be re-fingerprinted as often as needed to keep the clearance current without changing the Hague status of the case. Unlike an I-600A or I-600, a fingerprint check does not open an adoption case, or begin the application/petition process. Should a fingerprint clearance expire after the Convention entered into force with respect to the United States, and while the I-600A or I-600 are valid, the prospective adoptive parent(s) need only submit a request for a new fingerprint clearance in order to continue processing the adoption case under the U.S. immigration regulations in effect at the time the case was filed.

12. What about Hague Adoption Certificates (HACs) and Hague Custody Declarations (HCDs)? Will HACs or HCDs be issued for transition or other pre-Convention cases?

A Hague document certifies or declares that the adoption or custody case has been processed from beginning to end in accordance with the Hague Convention. HACs and HCDs, therefore, will be issued only in Convention cases.